

**TOWN OF READING**

**ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF MARK HALL,  
CHIMNEY HILL REAL ESTATE LLC  
FOR THE PROPERTY LOCATED AT  
41 RICHARDS ROAD, READING, MASSACHUSETTS**

**May 10, 2012  
Case No. 12-04**

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, May 10, 2012, in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of Mark Hall, Chimney Hill Real Estate LLC (the "Petitioner"). The Petitioner sought a Special Permit under Section 6.3.8 of the Zoning By-Laws in order to demolish an existing single family dwelling and garage and construct a new single family dwelling on a non-conforming lot on the property located at 41 Richards Road in Reading, Massachusetts (the "Property").

The Property is located in the S-20 Zoning District. The parcel is a non-conforming lot because of its lot size and frontage. It has a lot size of 15,000 square feet and a lot frontage of 100 feet and the S-20 required minimum lot size and lot frontage are 20,000 square feet and 120 feet respectively.

During the initial hearing on April 5, 2012, the Petitioner proposed to demolish the existing dwelling and construct a new single family dwelling on the same footprint as the existing structure and garage. At the hearing, the Petitioner acknowledged he had a new buyer interested in a single family dwelling different than the one presented with his application. After discussion with Board members, the Petitioner requested a continuance to allow him to submit a new application for his proposed new single family structure. The continuance was unanimously approved by the Board.

The Petitioner now proposed to demolish the existing non-conforming single family structure and garage and construct a new conforming single family dwelling and garage as depicted on a Plot Plan of Land dated April 25, 2012 prepared and certified by John D. Sullivan III, PE, 22 Mount Vernon Road, Boxford, MA 01921 and Architectural Drawings, Sheets 1-8 dated April 24, 2102 as prepared by Twomey Design, 23 California Road, Reading, MA. 01867. The new structure and garage would be compliance with all zoning requirements for front, rear and side setbacks, lot coverage and building height.

Section 6.3.8 of the Reading Zoning By-Laws allows the Board to grant a Special Permit for such reconstruction where the Board determines that the proposed reconstruction will not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

Following a presentation by the Petitioner and Twomey Design, discussion and comment by Board members and, then opening the hearing to public discussion, the Board concluded the proposed new conforming structure is not substantially more detrimental than the existing non-conforming structure to the neighborhood.

Accordingly, a motion was made and seconded, and the Board voted unanimously

(4-0-0) to grant the Petitioner's request for a Special Permit under Section 6.3.8 of the Zoning By-Laws to permit the demolition of the existing single family dwelling and construction of a new single family dwelling on a non-conforming lot on the property at 105 Sanborn Lane, Reading, Massachusetts, as shown of the referenced certified Plot Plan and architectural drawings with the following modifications:

This Special Permit is also conditioned upon the following:

1. The Petitioners shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioners final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plans, prior to the issuance of a Building Permit.
3. As-built plans showing the completed construction of the new structure shall be submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to M.G.L. c. 40A, § 17, within twenty (20) days after the date of filing this Decision with the Town Clerk. Notice of appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days as provided in § 17.

This Special Permit shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the Decision was filed in the Office of the Town Clerk and no appeal has been filed, or if an appeal has been filed within such time, that it has been dismissed or denied, is recorded in the Middlesex South District Registry of Deeds and indexed in the Grantor's Index under the name of the owner of record, or is recorded and noted on the Owner's Certificate of Title. The fee for recording or registering shall be paid by the Owner or Petitioner. Any person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS



Robert Redfern, Vice Chairman

Zoning Board Members voting on Case # 12-04  
Robert Redfern, Damase Caouette, John Jerema, John Miles